

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

NESTLÉ USA, INC. AND
SOCIÉTÉ DES PRODUITS
NESTLÉ S.A.,

Plaintiffs,

vs.

ULTRA DISTRIBUCIONES
MUNDIALES S.A. DE C.V. AND
ULTRA INTERNATIONAL
DISTRIBUTORS, INC.,

Defendants.

Civil Action No.: 5:20-cv-000384

JURY TRIAL DEMANDED

JOINT ALTERNATIVE DISPUTE RESOLUTION REPORT

Pursuant to Local Rule CV-88 and the Court's Scheduling Order (Dkt. # 32), Plaintiffs Nestlé USA, Inc. and Société des Produits Nestlé S.A., along with Defendants Ultra Distribuciones Mundiales, S.A. de C.V and Ultra International Distributors, Inc. (collectively, "the Parties"), file this Joint Report on Alternative Dispute Resolution as follows:

1. Status of Settlement Negotiation

Pursuant to the Court's Scheduling Order, Plaintiffs extended a written offer of settlement to Defendants on September 14, 2020. Defendants shall respond in writing by September 28, 2020. The Parties have not otherwise engaged in settlement negotiations.

2. Identity of the Persons Responsible for Settlement Negotiations

Plaintiffs' counsel and attorney of record, Adam Hudes, is authorized to enter into settlement negotiations for Plaintiffs. Defendants' counsel and attorney of record, Daniel Pulecio-Boek, is authorized to enter into settlement negotiations for Defendants.

3. Whether Alternative Dispute Resolution is Appropriate in this Case

The Parties have conferred and do not believe that alternative dispute resolution is appropriate at this time. The Parties will consider whether mediation is appropriate as discovery continues in this case.

Dated: September 14, 2020

/s/ Charles Kelley

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**Attorneys for Defendants Ultra
Distribuciones Mundiales, S.A. de C.V and
Ultra International Distributors, Inc.**

CERTIFICATE OF SERVICE

This is to certify that on this 14 day of September 2020, a true and correct copy of the above and foregoing instrument was forwarded via ECF to all parties of record.

/s/ Charles S. Kelley
Charles Kelley